DOCUMENT RESUME

ED 322 230 UD 026 843

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TITLE Federal Statutes & Directives Regarding Title IX Compliance. Technical Assistance Model.
INSTITUTION Desegregation Assistance Center - South Central Collaborative of Region VI, San Antonio, TX.; Intercultural Development Research Association, San Antonio, Tex.
SPONS AGENCY Department of Education, Washington, DC.
PUB DATE 88
GRANT G00-874-5285
NOTE 59p.; For related documents, see UD 026 838-849.
AVAILABLE FROM Intercultural Development Research Association, 5835 Callaghan Road, Suite 350, San Antonio, TX 78228 ($7.50; set of 12 modules, $75.00).
PUB TYPE Guides - Non-Classroom Use (055)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Civil Rights; *Compliance (Legal); *Desegregation Methods; Elementary Secondary Education; *Federal Legislation; Grievance Procedures; Sex Differences; *Sex Discrimination; Teacher Education; Technical Assistance
IDENTIFIERS National Origin Desegregation Assistance Centers; *Title IX Education Amendments 1972

ABSTRACT

Federal statutes and directives regarding Title IX compliance is the subject of this technical assistance module. It Collaborative. It is a guide for trainers who seek to familiarize educational personnel with the legal aspects of sex discrimination under Title IX of the Education Amendments of 1972. Nine activities are described and materials, including five transparency masters, seven handouts, and a background reading for the presenter, are included within the module. Goals for the participants are the following: (1) to become familiar with the sex desegregation services available through Title IV Desegregation Assistance Centers; (2) to become familiar with the 11 areas of discrimination prohibited by Title IX; (3) to become familiar with the federal requirements for compliance with Title IX; and (4) to apply the information learned by resolving sex discrimination cases. The suggested time for completion of the module is 3 hours. Nine training modules and two more technical assistance modules are available on topics related to desegregation and equity. (VM)

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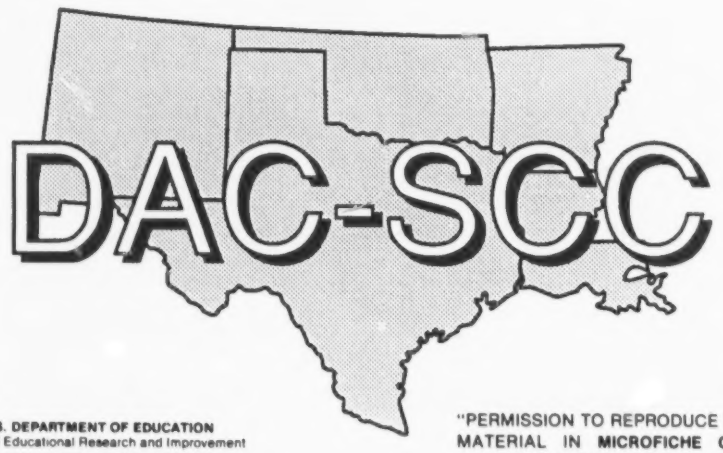
TECHNICAL ASSISTANCE MODULE

Federal Statutes & Directives Regarding Title IX Compliance



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Technical Assistance Module: Sex Desegregation

Federal Statutes and Directives Regarding Title IX Compliance

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1988

F O R E W O R D

The Desegregation Assistance Center - South Central Collaborative of Region VI, located in San Antonio, Texas, serves the educational equity needs of school personnel, parents and students in a five-state area: Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.

The technical assistance and training that our center provides focuses on the issues and problems related to race desegregation, gender equity and national origin desegregation. This task is great, the needs are diverse, and the geographic area is extensive. Thus, we are pleased to have developed twelve technical assistance and training modules (four in each equity area) that are intended to build the capacity of school personnel to address their own needs.

We wish to acknowledge the excellent collaboration and contributions of our satellite center at the University of New Mexico-Albuquerque, in the development of these modules.

Each module is complete with objectives, pre/post-tests, activities to help participants meet each objective, readings, handouts, and transparency masters. The modules have undergone a rigorous review process by experts in each state in our service area. Their comments and contributions have been carefully incorporated into the final modules. The modules are:

<u>Technical Assistance Modules</u>

Federal Statutes and Directives Regarding National Origin Students

Federal Statutes and Directives Regarding Title IX Compliance

Civil Rights Compliance: An Update

<u>Training Modules</u>

I First and Second Language Acquisition Processes

II Integrating the ESL Student into the Content Area Classroom

III Recognizing Cultural Differences in the Classroom

IV Sex Stereotyping and Bias: Their Origin and Effects

V Modeling Equitable Behavior in the Classroom

VI Avoiding Sex Bias in Counseling

VII Equity in Counseling and Advising Students: Keeping Options Open

VIII Interpersonal Communications: A Human Relations Practicum

IX It's a Matter of Race: Race Relations in the Desegregated Setting

We have attempted to bring you the most up-to-date information in these modules. They are available individually ($7.50 each) or as an entire series ($75.00). A "Trainer of Trainers" session can also be arranged to enhance the capacity of your own personnel to use these modules effectively.

Breaking down the barriers to equal educational opportunity is a critical step towards educational excellence, equity and empowerment for all students. We hope these modules will expedite that effort.

Gloria Zamora, Ph.D.
Director, DAC-SCC

ACKNOWLEDGEMENTS

Appreciation is expressed to Elsa M. Weiderhold, Melinda B. Lechuga and Carl Gonzales for their word processing and production assistance. Appreciation is also expressed to the following individuals for their critical review of this document:

Glenda L. Barrett
Oklahoma State Department of Education

Pamela Bollinger
Louisiana State Department of Education

Josephine F. Garza
Intercultural Development Research Association

Lou Ann Hargrave
Oklahoma State Department of Education

Reeve Love
University of New Mexico

Eva Ross
Ysleta Independent School District, El Paso, Texas

Dr. Christine Smart
Texas Education Agency

This module was prepared with funds provided under Title IV, Section 403,grant number G00-874-5255, U.S. Department of Education. The opinions expressed herein do not necessarily reflect the position or policy of the Department of Education and no official endorsement by the department should be inferred. All materials may be reproduced pending appropriate citation.

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Federal Statutes and Directives Regarding Title IX Compliance

Summary: This module will familiarize participants with the legal aspects of sex discrimination under Title IX compliance.

Length of session: 3 hours

Objectives:

1. Participants will become familiar with the sex desegregation services available through Title IV Desegregation Assistance Centers.

2. Participants will become familiar with the eleven areas of discrimination prohibited by Title IX.

3. Participants will become familiar with the federal requirements for compliance with Title IX.

4. Participants will apply the information learned by resolving sex discrimination cases.

Overview of Session:

Time	Objective	Activity	Materials
10 minutes		Warm-up	
10 minutes	Objective 1	Discussion	Transparencies (1-2)
5 minutes		Pre-test (optional)	Pre-test
45 minutes	Objective 2	Lecturette	Transparency 3 Handout 1
15 minutes		Break	
60 minutes	Objective 3	Lecturette	Transparency 4 Handouts 2-6
20 minutes	Objective 4	Large/small group discussion	Handout 7
5 minutes		Post-test (optional)	Post-test
5 minutes		Closure	Transparency 5
5 minutes		Evaluation	

Background Reading for Presenter:

U.S. Department of Education, Office for Civil Rights. Non-discrimination in Employment Under Title IV. Washington, D.C.: 1987. GPO 929-040.

Warm-up

Time: 20 minutes

Materials:

A jar with a lid may be used as a concrete model to focus attention during the warm-up and closure activities.

Lecturette:

Do you know how to train fleas? You train fleas by placing them in a jar with the lid on it. As you know, fleas like to jump; that is their means of getting around. While in the jar, they will jump and hit the lid of the jar over and over again. Watch closely and you will notice that as the fleas continue to jump, they will no longer be jumping high enough to hit the top. When this happens, you can literally take the cover off the jar, and the fleas, though continuing to jump, will not jump out of the jar. They can't jump out because they have conditioned themselves to jump just so high. Once they condition themselves to jump just so high, that's all they can do.

People are the same way. We have visions of great things we want to accomplish. Initially, our dreams and ambitions have no limits, but, along the roadway of life, we bump our heads or stub our toes a few times. We listen to the negative comments of the people around us until we are conditioned to believe that we can't reach our objectives. And we can't as long as that conditioning exists. In education, in our efforts to train fleas, we often put a lid on the jar when we make comments like:

"I need five big, strong boys to carry these books."

"Boys don't hit girls."

A girl is told, "Here, honey, let me help you." A boy is told, "Go back and do it until you get it right."

Girls and boys are placed in separate lunch lines, often "ladies first."

Explain to participants that:

A. Our attitudes often are limited by our past experiences, and we pass on these attitudes to others.

B. We often classify things as positive or negative because of our attitudes, past experiences, and value systems, or because we lack information concerning the subject.

C. We, as educators, often classify groups of students differently, and we proceed to train and educate them with a lid on the jar.

D. Our responsibility as educators is to expand our students' horizons, help them maximize their potential...take the lid off their jar.

E. After this workshop, they will have information on the legal aspects of Title IX.

Source:

Ziglar, Zig. Top Performance. January, 1988.

Objective 1: Participants will become familiar with the sex desegregation services available through Title IV Desegregation Assistance Centers.

Time: 10 minutes

Materials needed:

Transparencies:
1. Title IV Desegregation Assistance Centers
2. Sex Desegregation Assistance

Lecturette:

(Display Transparency 1)

Desegregation Assistance Centers are funded under Title IV of the Civil Rights Act of 1964. Currently, there are ten Desegregation Assistance Centers throughout the United States. DACs serve a designated service area within the fifty states and trust territories. (Identify your region and the territory served by your DAC. The following list of DAC regions, states served, and directors may be used as reference.)

Region	States Served	Director & Address
A	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	Raymond Rose The NETWORK 290 South Maine St. Andover, Massachusetts 01810
B	New Jersey, New York, Puerto Rico, Virgin Islands	LaMar Miller New York University School of Education Health, Nursing & Arts Professions Metro Center 32 Washington Sq. New York, New York 10003
C	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia	Sheryl Denbo American University 4400 Massachusetts Ave., N.W. Washington, D.C. 20016
D	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee	Gordon Foster University of Miami P.O. Box 248065 Coral Gables, Florida 33124

E	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin	Percy Bates Programs for Educational Opportunity The University of Michigan 1033 School of Education Building Ann Arbor, Michigan 48109-1259
F	Arkansas, Louisiana, New Mexico, Oklahoma, Texas	Gloria Zamora Intercultural Development Research Association 5835 Callaghan, Suite 350 San Antonio, Texas 78228
G	Iowa, Kansas, Missouri, Nebraska	Shirley McCune Mid-continent Regional Educational Laboratory Equity Division 4709 Belleview Kansas City, Missouri 64112
H	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming	Dianne Siegfreid Weber State College Mountain West Educational Equity Center 3750 Harrison Boulevard Ogden, Utah 84408
I	Arizona, California, Nevada	Harriet Doss Willis Southwest Regional Laboratory for Education Research & Development 4655 Lampson Avenue Los Alamitos, California 90720
J	Alaska, Hawaii, Idaho, Oregon, Washington, American Samoa, Guam, Northern Mariana Islands, Trust Territory of the Pacific	Ethel Simon-McWilliams Northwest Regional Educational Laboratory 101 S.W. Main Street, Suite 500 Portland, Oregon 97204

(Display Transparency 2)

Desegregation Assistance Centers are designed to provide information, technical assistance, and training to any eligible requesting local education agency (LEA) in three equity areas. One of these areas is sex desegregation.

Sex Desegregation Assistance

"Sex desegregation" means the assignment of students to public schools and within those schools without regard to their sex, including providing all students with a full opportunity for participating in all educational programs.

Training programs are designed to assist LEA personnel, parents, and community members to recognize specific forms of sex discrimination, to develop district-wide needs assessments in the area of sex equity, and to select/adapt materials free of gender bias.

The scope of authorized activities includes:

(a) The development of programs to increase the understanding of public school personnel concerning the problems of sex bias in education and to avoid this bias in their work;

(b) The identification of sex bias and sex role stereotypes in textbooks and other curricular materials and the development of methods of countering their effects on students;

(c) The identification and resolution of education problems that have arisen, or that may arise, in meeting the requirements of Title IX (and, in connection with that activity, of state laws prohibiting discrimination on the basis of sex in education);

(d) The preparation and dissemination to parents and students of materials explaining the requirements described in paragraph (c);

(e) The development of methods of encouraging student, parent, and community support for, and involvement in, the sex desegregation process;

(f) The recruitment of women and men for employment in public schools in positions in which they are underrepresented;

(g) The development of procedures for preventing discrimination on the basis of sex in public school employment practices, such as hiring, assignment, promotion, transfer, termination, and payment;

(h) The use of counseling materials and techniques that do not discriminate on the basis of sex; and

(i) The identification of federal, state, and other resources that would assist in sex desegregation, except that the recipient may not assist in the preparation of applications for financial assistance.

Pre-test (optional)

Time: 5 minutes

Materials:

Pre-test

Administer the pre-test to the participants. Provide the correct responses from the answer key below.

Answer Key

1. False - Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex, or national origin in employment.

2. True - Title IX of the Education Amendments of 1972 protects people from discrimination on the basis of sex in employment practices in educational programs or activities receiving federal financial assistance.

3. False - Title IX protection includes the areas of recruitment, advertising, hiring, upgrading, tenure, firing, rates of pay, fringe benefits, leave for pregnancy and childbirth, and participation in employer-sponsored activities.

4. True - School districts must adopt and publish grievance procedures.

5. True - School districts must designate at least one person to coordinate activities under Title IX.

6. False - Title IX covers both sexes.

7. True - Title IX covers both students and employees.

8. B - Title IX information must be distributed annually to all employees.

Pre/Post-Test

Name: _____ Date _____

Indicate the correct answers by marking true or false, or the appropriate letter.

True False 1. The Civil Right Act of 1964 does not address sex discrimination.

True False 2. School districts that receive federal funds must offer girls and boys equal facilities and programs.

True False 3. School districts that receive federal funds may offer a man more pay than a woman for the same position.

True False 4. School districts that receive federal funds must adopt and publish grievance procedures for resolving student and employee complaints related to Title IX.

True False 5. School districts that receive federal funds must designate at least one employee to coordinate Title IX requirements.

True False 6. A male employee who feels that he has been discriminated against can use Title IX grievance procedures.

True False 7. The ultimate goal of Title IX compliance is to obtain equity for all staff, faculty, and students in all programs.

8. A school district must provide information to its employees concerning Title IX:

_____A. Once, upon initial employment
_____B. Annually
_____C. Biannually
_____D. Only when a grievance is filed

Objective 2: Participants will become familiar with the eleven areas of discrimination prohibited by Title IX.

Time: 40 minutes

Materials:

Transparency:
3. Areas in Which Discrimination is Prohibited

Handout:
1. What is Title IX?

Lecturette:

Distribute Handout 1, "What is Title IX?" and lead the participants through each section of it. The Project on Equal Education Rights (PEER) provides information on Title IX compliance. A complete list of publications can be obtained by contacting the national office.

Title IX is a federal law passed as part of the Education Amendments of 1972 by the U.S. Congress. The intent of the law is to prohibit sex discrimination in federally assisted educational programs. Final regulations for the law were published on May 27, 1975. The regulations required that institutions covered under the guidelines be in full compliance with the law no later than July 21, 1978. Title IX of the 1972 Education Amendments was the first legislation to require equal access for all persons, regardless of sex, to any educational activity receiving federal financial aid.

The law states:

> "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

(Display Transparency 3)

Title IX regulations apply to every institution and to each educational program or activity operated by an institution which receives or benefits from federal financial assistance. (In cases regarding racial discrimination, courts have held that the educational functions of a school district or college include any service, facility, activity, or program which it operates or sponsors, including athletics and other extracurricular activities, and the federal funds may be terminated upon a finding that "they are infected by a discriminatory environment.")

<u>Exemptions</u> include: educational institutions controlled by religious organizations, to the extent that compliance would not be consistent with

religious tenets; military and merchant marine educational institutions; and social fraternities and sororities in postsecondary institutions, YMCAs and YWCAs, Girl and Boy Scouts, Camp Fire Girls, and other voluntary youth service organizations.

Coverage under the admissions provisions applies only to institutions of vocational education, professional education, and graduate higher education, and public institutions of undergraduate higher education, other than those which have been traditionally and continually single sex. This does not include first-degree professional and vocational programs offered at private undergraduate institutions.

1. Admissions

Specifically prohibited are:

- ranking applicants separately on the basis of sex;
- applying numerical limitations on the number or proportion of members of either sex who may be admitted;
- treating one individual differently from another on the basis of sex;
- administering any test or criterion for admission which has a disproportionately adverse effect on members of one sex, unless such test or criterion is shown to predict success validly in the educational program or activity and alternative tests are not available;
- applying any rule concerning the actual or potential parental, marital, or family status of a student which treats persons differently on the basis of sex;
- discriminating against or excluding any person on the basis of pregnancy or related conditions;
- making pre-admission inquiry as to the marital status of an applicant.

Discrimination in the recruitment of applicants for admission is also prohibited:

- preference may not be given nor may applicants for admission be recruited on the basis of attendance at an educational institution which is predominantly single sex unless the pool of applicants eligible for such preference includes roughly equivalent numbers of males and females;
- a recipient may not discriminate on the basis of sex in the recruitment of students unless additional recruitment efforts for members of one sex are undertaken as remedial or affirmative action.

2. Student Access to Courses and Programs

Course offerings or other educational activities may not be provided separately on the basis of sex. Included are health, physical education, industrial education, business, vocational, technical, home economics, music, and adult education courses.

Students may be grouped by ability in physical education classes and activities as long as ability is assessed by objective standards, without regard to sex. Students may be separated by sex within physical education classes during participation in contact sports.

Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted separately for male and female students.

Institutions may make requirements based on vocal range or quality which result in choruses of one, or predominantly one, sex.

3. Counseling and Guidance

Institutions may not discriminate against any person on the basis of sex in the counseling or guidance of students or applicants.

Institutions may not use different materials for counseling students on the basis of sex.

4. Physical Education and Athletics

Institutions may not discriminate on the basis of sex in interscholastic, intercollegiate, club, or intramural athletics activities.

Separate teams may, however, be operated for members of each sex where:

- selection for such teams is based upon competitive skill; or
- the activity involved is a contact sport.

Where an institution operates or sponsors a team in a particular sport for members of one sex, but operates no such team for members of the other sex and athletic opportunities for members of that sex previously have been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport (boxing, wrestling, rugby, ice hockey, football, basketball, and other sports whose major activity involves bodily contact).

5. Vocational Education Programs

A local education agency may not, on the basis of sex, exclude any person from admission to any vocational education program.

Title IX applies directly to vocational education programs at local education agencies and institutions. Title II of the 1976 Education Amendments applies directly to vocational education programs at the state and federal levels.

- The Carl D. Perkins Vocational Education Act, Public Law 98-524, 1984, assures equal access to vocational education programs for individuals who are disadvantaged, handicapped, entering non-traditional occupations, in need of training and retraining, single parents or homemakers, individuals with limited English proficiency, or incarcerated in correctional institutions.

Another purpose of the Perkins Act is to improve the effectiveness of consumer and homemaking education and to reduce the limiting effects of sex role stereotyping on occupations, job skills, levels of competency, and careers.

6. Student Rules and Policies

Institutions may not, on the basis of sex:

- provide different aid, benefits, or services;
- deny any person such aid, benefits, or services;
- subject any person to separate or different rules of behavior, sanctions, or other treatment;
- discriminate against any person in the application of any rules of appearance;
- apply differentially any rule concerning the domicile or residence of a student or applicant, including eligibility for in-state tuition;
- limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

7. Treatment of Married and/or Pregnant Students

Institutions may not, on the basis of sex:

- treat students differently if they are parents or are married;
- exclude students from a program or activity because of pregnancy or marital status;

Institutions may require a pregnant student to obtain a physician's certification of her physical and emotional ability to participate normally in the educational program if such certification is required of all students.

Institutions which operate a portion of their educational program separately for pregnant students must ensure that this program is comparable to the program offered to non-pregnant students.

Institutions must treat pregnancy and related conditions in the same manner and under the same policy as any other temporary disability.

8. Financial Assistance

Institutions may not, on the basis of sex:

- provide different amounts or types of financial assistance, limit eligibility for such assistance, or apply different criteria;
- apply any rule concerning eligibility for such assistance which treats persons of one sex differently from persons of the other sex with regard to marital or parental status.

To ensure such nondiscriminatory effects:

- students must be selected for awards of financial assistance on the basis of nondiscriminatory criteria;
- an appropriate sex-restricted award should be allocated to each student selected.

If an institution awards athletic scholarships, it must provide reasonable opportunities for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or intercollegiate athletics.

9. Housing

Institutions may not, on the basis of sex, apply different rules or regulations, impose different fees or requirements, or offer different services or benefits related to housing. Institutions may provide separate housing on the basis of sex, provided that the housing provided for students of one sex is comparable to that provided for students of the other sex.

10. Extracurricular Activities

Equal opportunity for members of both sexes must be provided in interscholastic, intercollegiate, club, or intramural athletics and activities. Equal opportunity factors include:

- whether the selection of sports and levels of competition effectively accommodates the interests and abilities of members of both sexes;
- provision of equipment and supplies;
- scheduling of games and practice time;
- travel and per diem allowance;
- opportunity to receive coaching and academic tutoring;
- assignment and compensation of coaches;
- provision of locker rooms and practice and competitive facilities;
- provision of housing and dining facilities and services;
- publicity.

11. Employment

Specifically, discrimination is prohibited in:

- recruitment, advertising, and the process of application for employment;

- hiring, upgrading, promotion, tenure, demotion, transfer, layoff, termination, application of nepotism policies, right of return from layoff, and rehiring;
- rates of pay or any other form of compensation;
- job assignments, classifications, and structure, including position descriptions, lines of progression, and seniority lists;
- the terms of any collective bargaining agreement;
- granting and return from leave of absence, leave for pregnancy and related conditions, leave for persons of either sex to care for children or dependents;
- fringe benefits;
- selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, selection for tuition assistance, and sabbaticals and leave of absence to pursue training;
- employer-sponsored activities, including social or recreational programs;
- any other term, condition, or privilege of employment.

The Civil Rights Restoration Act, which became law on March 22, 1988, reversed the Grove City v. Bell Supreme Court decision of 1984. The Restoration Act amended existing civil rights laws by clarifying that discrimination is prohibited in all areas of an institution or agency receiving federal funds, and not just in the specific activities receiving such funds. The act covers:

- state and local agencies;
- school systems;
- corporations and other private groups.

Some examples of unlawful discrimination are:

1) refusal of a board of education to hire or promote qualified women to the principalship;
2) refusal of a college or university to provide comparable housing to students of both sexes;
3) maintaining sex-segregated classes in business, vocational, technical, home economics, music, and adult education courses and programs.

Allow the participants to give examples of actual sex discrimination cases. Limit these examples to a reasonable time frame.

Source:

Title IX of the Education Amendments of 1972: A Summary of the Implementing Regulation. Washington, D.C.: National Foundation for the Improvement of Education, Resource Center on Sex Roles in Education, n.d.

Break: 15 minutes

Objective 3: Participants will become familiar with the federal requirements for compliance with Title IV.

Time: 60 minutes

Materials:

Transparency:
4. Steps Required by Title IX

Handouts:
2. Checklist 1: Procedures for Title IX Coordination
3. Sample Policy Notification
4. Checklist 2: Title IX Policy Notification Procedures
5. Sample Grievance Procedures
6. Self-Evaluation Checklist

What processes are required of educational institutions in response to Title IX mandates? Specifically, all educational institutions which receive federal funds must follow six steps:

(Display Transparency 4)

1. File Assurances

The first procedural step requires that assurance forms be filed with the Department of Education and Office for Civil Rights. These assurance forms, required by Title IX, Title VI, and Section 504 of the Vocational Rehabilitation Act, must be completed before an application for federal financial assistance can be approved. These forms are statements that the recipient signs assuring that it will comply with the regulations and that it is not discriminating on the basis of race, color, national origin, sex, or handicapping conditions. By signing the forms, the recipient enters into a contract with the federal agency that it will operate in compliance with the regulations. A recipient need only file the three assurance forms once. The forms are kept on file and remain in force as long as the recipient continues to accept federal financial assistance. Most school districts and educational institutions have signed these forms, since they must be on file before federal assistance can be approved. If a recipient wants to know if the forms have been filed, the regional Office for Civil Rights can be contacted.

Since the assurance forms obligate the recipient to comply with the regulations, it is important to mention a related requirement. Recipients are prohibited from subcontracting with another entity which discriminates against members of protected classes. The recipient also must assure that it does not engage in discriminatory practices indirectly by hiring another to do what it could do directly.

2. Designate a Coordinator

The second procedural step required under both Title IX and Section 504 is the designation of an employee who will coordinate compliance activities. Title IX requires all recipients to designate a coordinator, and Section 504 requires recipients who employ 15 or more persons to designate a coordinator. One person may be designated as both the Title IX and the Section 504 coordinator, or an individual may be designated for each position.

Title IX regulations require the coordinator to investigate Title IX complaints. Although Section 504 does not require the coordinator to investigate 504 complaints, in most cases this person usually performs this function. In many school districts, the same individual serves as both the Title IX and the Section 504 coordinator, therefore, the management of these activities will be simplified if the functions of the Title IX and 504 coordinators are as similar as possible.

In order to perform these activities, the coordinator(s) should be knowledgeable of the regulations and should be able to provide information to others, including staff and students, respond to inquiries, and process any complaints received. Compliance is an ongoing obligation, which means that someone should be responsible for monitoring activities, reporting problems, and making recommendations when appropriate.

(Distribute Handout 2)

Allow the participants 3 to 5 minutes to complete the checklist and respond to any questions that might arise.

3. Notify Students and Employees

The third procedural step is known as the notice requirement.

(Distribute Handout 3)

Both Title IX and Section 504 require that a notice be provided informing interested persons that the district or institution does not discriminate. There are basically two types of notices. One is referred to as a policy notification. This notification states the district's policy of nondiscrimination, and gives the name, address, and telephone number of the Title IX and Section 504 coordinator(s) who can be contacted for information concerning the policy or its implementation. This notification should be made prior to the beginning of each school year to students, parents, employees, and the general public. The notification should be published in local newspapers, which is usually the best way to notify the general public. If your service area contains a community of national origin minority persons with limited English language skills, the notice also must be provided in the community's primary language.

(Distribute Handout 4)

Allow the participants 3 to 5 minutes to complete the checklist and respond to any questions that might arise.

4. Provide a Statement of Nondiscrimination

Another type of notice usually is referred to as a nondiscrimination statement. This is a shorter version of the policy notification, and it is to be included on course announcements, bulletins, catalogs, application forms, enrollment forms, brochures, and recruitment or promotional materials. This does not mean that you have to have a nondiscrimination statement on every piece of paper or item of correspondence that leaves your office. A good rule of thumb is to include it on all informational materials that are given to all students, applicants, and employees, particularly those publications that describe offerings, benefits, or services available. Remember to include it on materials or forms that are used for recruiting or hiring employees. A sample nondiscrimination statement is found on the bottom portion of Handout 3.

5. Adopt and Publish Grievance Procedures

The fifth procedural step required under the Title IX and Section 504 regulations is the adoption of grievance procedures. The grievance procedures are designed to encourage school districts and institutions to resolve problems themselves, rather than to resort to the formal Office for Civil Rights complaint procedure. It is important to note that a student or employee may, if he or she chooses, bypass the school district's grievance mechanism and file a complaint with the appropriate regional Office for Civil Rights.

Grievance models will vary, depending on the size, administrative structure, and contractual arrangements of a given school district. The important requirement for grievance procedures is that they be workable within your setting. You do need to have grievance procedures for both students and employees; you may use the same procedures or have separate procedures for each.

There is no specific format or content for grievance procedures, but they should provide for prompt and equitable resolution of complaints. It is suggested that the following be considered in developing procedures:

* Definition of Terms

For purposes of clarity, it is suggested that you define terms used in your procedures. For example, if your procedure states that a decision will be made within 10 days of a hearing, does "day" imply school days? Does it include weekends or holidays? Defining terms will resolve such questions.

(Distribute Handout 5)

Allow participants to review the sample grievance procedures and entertain questions from the group.

You will notice in the sample grievance procedures provided that race, color, and national origin are addressed in the definition of a discrimination complaint. Although Title VI does not require grievance procedures, it is in the district's interest to address complaints involving race, color, and national origin, as well as those involving sex and handicapping conditions, in order to provide a means for resolving these complaints locally. Otherwise, the only alternative is to take these complaints directly to the Office for Civil Rights.

* Processing the Grievance

The procedure for processing the grievance or complaint must be specified sufficiently for each person to be aware of her or his responsibility and to know what to do and when to do it. Time limits should be specified for each step or level of processing. If procedures are too vague, processing may become stalled or difficult to execute properly. If this occurs, other problems may be created in addition to resolving the original issue. Determine the number and level of steps for decision-making. A common approach includes three levels of appeal. Each level indicates the person or persons responsible for making a decision or determination regarding the complaint or grievance. The most important consideration is to determine what system will work effectively and fairly in your setting. After all, it is too late to change procedures once processing has begun.

* Other Considerations

- How the hearing will be conducted;
- Right of parties to representation;
- Right to present witnesses and evidence;
- Confidentiality of proceedings and records;
- Access to regulations and records;
- Protection of grievant from harassment and retaliation.

The sample grievance procedures distributed are provided for purposes of illustration. These procedures have three levels of appeal, and were designed for use with employees and students.

6. Conduct a Self-Evaluation

The sixth, and probably the most important, procedural step is the Title IX and Section 504 self-evaluations. The self-evaluations are conducted to determine whether policies or practices discriminate against particular persons because of sex or handicapping conditions. For example, a self-evaluation may reveal that course descriptions are sex-biased. The corrective action required would be to rewrite the description and reprint the catalog.

The differences in the self-evaluation requirements between Title IX and Section 504 are not significant; the major difference is that under Section 504 the self-evaluation process must be conducted in consultation with handicapped persons or organizations representing handicapped persons. This is an important factor which many overlook, and one which has proven to be very beneficial. For example, if a handicapped person assists in the evaluation of facilities and a problem is identified, this person often can make recommendations for correcting the problem that are more practical and cost-effective than those that many professionals would recommend.

Numerous materials have been prepared on conducting Title IX and Section 504 self-evaluations. A sample evaluation instrument will provide you with information on policies and practices as they relate to sex and handicapping conditions and as they affect race, color, and national origin.

(Distribute Handout 6)

Although Title VI regulations do not require a self-evaluation, you are still responsible for ensuring that discrimination does not occur on the basis of race, color, or national origin. The only way to ensure this is to evaluate operations and practices. The evaluation instrument will help you to evaluate your compliance status in all areas, and hopefully will provide you with the kinds of information from which decisions can be made and actions can be taken locally. It is much easier to address a policy or practice before it is challenged than after a complaint is filed. Also, the burden of proof is always on the district or institution to show that practices are not discriminatory. Unless a school district has examined areas of operation and has some documentation to support findings and conclusions, it is difficult to defend a challenge or complaint.

If your district has conducted a Title IX and Section 504 self-evaluation, you may want only to address areas and questions regarding race, color, and national origin. On the other hand, this evaluation will provide up-to-date information to support your continuing obligation. And remember, what actually takes place in a particular institution is more important than the neatly typed report on file. A concerned parent will react to a practice, not a report.

There are three things that a district must do as a result of the self-evaluation process:

1. The district must modify all policies and practices found to be in noncompliance;

2. The district must initiate appropriate remedial steps to overcome/eliminate the effects of past/existing discrimination resulting from the above policies and practices;

3. The district must retain a record of all steps taken for a period of three years.

Suggest that the participants return to their districts and complete the self-evaluation. Explain that page 7 of Handout 6 is the key to the instrument. If participants' answers differ from those on the key, their district possibly could be out of compliance with Title IX.

Source:

Title IX of the Education Amendments of 1972: A Summary of the Implementing Regulation. Washington, D.C.: National Foundation for the Improvement in Education, Resource Center for Sex Roles in Education, n.d.

Objective 4: Participants will apply the information learned by resolving sex discrimination cases.

Time: 20 minutes

Materials:

Handout 7. Case Studies

Large/small group discussion:

Divide the group into five equal groups. Distribute Handout 7, "Case Studies," and assign one case to each group. Have each group discuss and resolve its case.

Convene the large group and have a spokesperson report each group's decision. Allow discussion of issues as they arise.

Post-test: (optional)

Time: 5 minutes

Administer the post-test and allow participants to clarify any misconceptions that they might have concerning Title IX compliance.

Closure:

Time: 5 minutes

Materials:

Transparency 5. Sexism in Our Schools

Students (fleas) can never reach their full potential if we continue to place barriers (lids or jars) before them in their educational process. In order to make the best use of our resources and to allow all students to reach their potential, we, as educators, must make programs accessible to all students by changing our approach and providing equal educational opportunity to members of both sexes.

(Display Transparency 5 and review the findings on sexism in the school setting)

What difference will removing sexism from our schools have on students? "It's like flowers in a garden," says Myra Sadker, professor at American University and one of the nation's foremost experts on gender equity issues, "if you don't water and nurture them they don't grow well."

Evaluation:

Time: 5 minutes

Distribute the evaluation forms and have the participants complete them.

Title IV Desegregation Assistance Centers
Ten Geographic Regions • 1987-1988

SEX DESEGREGATION ASSISTANCE

"Sex desegregation" means the assignment of students to public schools and within those schools without regard to their sex, including providing all students with a full opportunity for participation in all educational programs.

AREAS IN WHICH DISCRIMINATION IS PROHIBITED

The Title IX regulations prohibit sex discrimination in such areas as:

1. **Admission to vocational, graduate, professional, and public undergraduate schools**
2. **Student access to courses and programs**
3. **Counseling and guidance -- tests, materials, and practices**
4. **Physical education and athletics**
5. **Vocational education programs**
6. **Student rules and policies**
7. **Treatment of married and/or pregnant students**
8. **Financial assistance**
9. **Student housing**
10. **Extracurricular activities**
11. **Employment**

STEPS REQUIRED BY TITLE IX

1. File assurances

2. Designate a Title IX coordinator

3. Notify students and employees

4. Provide a statement of nondiscrimination

5. Adopt and publish grievance procedures

6. Conduct a self-evaluation

SEXISM IN OUR SCHOOLS

Sexism doesn't stop at the grade school door, according to recent studies. Here's what happens as girls move through school.

- **Girls start school with higher test scores than boys. But by the time they take the SAT, girls trail boys by 57 points.**
- **In coeducational colleges women speak two and a half times less often in class than do their male classmates.**
- **After the first year of college, women show sharper drops in self-confidence than men do. The longer women stay in school, the lower their level of self-confidence drops.**
- **Women receive fewer than 17 percent of all doctoral degrees in math and physics.**
- **A mere 10 percent of all high school principals are women -- a lower percentage than in the 1950s.**
- **Only 11 percent of all full professors are women.**

Source:
Better Homes and Gardens, February 1988, p. 44.

What is Title IX?

Technical Assistance Module: SD
Handout 1

• The ninth in a series of Gothic novels.
• An inscription on an early Roman tomb.
• A boxing competition.
• A secret code used by foreign agents.
• A mortgage certificate.
• None of the above.

Want to learn about Title IX? Read on.

Title IX prohibits sex discrimination in schools and colleges receiving federal money. Since 1972 when Congress passed the Education Amendments, Title IX has greatly increased the opportunities for girls and women.

Title IX may benefit you or your children in these ways:

SPORTS

Because of Title IX, schools offer girls and young women more opportunities to participate in all sports programs. Through sports girls develop an appreciation for hard work, learn self-respect, teamwork and leadership skills. Since Title IX:

- The number of women in college sports has increased 250%
- Girls playing high school sports have increased from 7% to 35% of all students in sports
- 10,000 young women are now attending college on athletic scholarships, including many who could not afford to go without this assistance.

JOBS

Almost one-third of the nation's professional women work in the field of education. Title IX protects their rights:

- School systems are upgrading salaries and benefits for all teachers to insure that men and women teaching similar courses receive equal pay
- More women educators are becoming school administrators and principals...jobs which currently are held by men.

SCHOOL ADMISSIONS

Under Title IX admissions' policies have broadened to include more women. Between 1972 and 1980 the number of women:

- in medical school rose from 11% to 26%
- in law school, from 10% to 34%
- in veterinary school, from 12% to 39%
- awarded doctorates, from 16% to 30%.

STUDENT RIGHTS

Title IX guarantees equal treatment of students both inside *and* outside the classroom:

- School counselors have begun to test and score all students in the same way and encourage both boys and girls to pursue the career which would be right for them
- School districts cannot expel pregnant students or prevent them from participating in school activities
- Some colleges have established policies which prohibit sexual harrassment and have set grievance procedures for dealing with it.

TITLE IX...A Decade of Progress Toward a Better Tomorrow

If you want to know more about your daughter's rights under Title IX, write or call . . .

Peer
The Project on Equal Education Rights
A project of the NOW Legal Defense and Education Fund
1413 K Street NW
Ninth Floor
Washington, DC 20005
A Project of the NOW Legal Defense and Education Fund

CHECKLIST 1: PROCEDURES FOR TITLE IX COORDINATION

The following questions are designed to assist in the evaluation of procedures and responsibilities established for Title IX coordination as required by the regulation to implement Title IX. (Note: These questions are based on general principles of educational management rather than on legal guidelines.)

- Has an employee(s) been designated responsible for coordinating and monitoring activities necessary for compliance with Title IX? Yes ☐ No ☐

- Have employees and students been notified of the designation of the responsible person(s) and her/his office address(es) and telephone number(s) at least on a yearly basis? Yes ☐ No ☐

- Has a written job description for the Title IX coordinator been developed which clearly specified the tasks and responsibilities of the job? Yes ☐ No ☐

- Does the Title IX coordinator have full access to the chief executive officer in your district? Yes ☐ No ☐

- Are procedures specified for the regular exchange of information between the Title IX coordinator and the chief administrative officer? Yes ☐ No ☐

- Has the right of the Title IX coordinator to obtain access to any information necessary to the performance of job responsibilities been clearly specified to all staff? Yes ☐ No ☐

- Does the Title IX coordinator have responsibility for:

  –grievance procedure administration? Yes ☐ No ☐
  –grievance advocacy for
  students? Yes ☐ No ☐
  employees? Yes ☐ No ☐
  administrators? Yes ☐ No ☐
  –grievance resolution or decisionmaking? Yes ☐ No ☐
  –compliance recordkeeping? Yes ☐ No ☐
  –program development/decisionmaking? Yes ☐ No ☐
  –program recommendations? Yes ☐ No ☐
  –staff training/assistance/communications? Yes ☐ No ☐
  –student or parent assistance/communications? Yes ☐ No ☐

- If the Title IX coordinator is responsible for functions other than Title IX coordination, have these functions been adjusted to permit the Title IX coordinator to expend adequate time on Title IX responsibilities? Yes ☐ No ☐

Source:

McCune, Shirley & Matthews, Martha, Implementing Title IX and Attaining Sex Equity: A Workshop Package for Elementary-Secondary Educators. Department of Health, Education and Welfare, Washington D.C.: N.D.

Technical Assistance Module: SD
Handout 3

--Sample--

POLICY NOTIFICATION

It is the policy of the ___(school district name)_____ to provide equal opportunities without regard to race, color, national origin, sex, age, handicapping condition, or veteran status in its educational programs and activities. This includes, but is not limited to, admissions, educational services, financial aid, and employment. Inquiries concerning application of this policy may be referred to ___(name of coordinator)___, Coordinator of Title IX & Section 504 responsibilities.

School/District	Street Address
Telephone	Town/Zip Code

Include on a Continuous Basis in All:

Course announcements
Bulletins (disseminated to all students)
Catalogs
Brochures
Application or enrollment forms
Materials used for recruiting or describing programs and training

Suggestions for Policy Notification

Disseminate policy notification prior to the beginning of each school year to:
- Students
- Parents
- Employees
- General Public

Publish policy notification prior to the beginning of each school year in local newspapers

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--Sample--

NONDISCRIMINATION STATEMENT

The _____(school/center name)_____ does not discriminate on the basis of race, color, national origin, sex, age, handicapping condition, or veteran status.

CHECKLIST 2: TITLE IX POLICY NOTIFICATION PROCEDURES

The following questions are designed to assist in the evaluation of procedures for the notification of Title IX compliance policy as required by the regulation to implement Title IX.

- Has a policy notification been developed containing:
  - –a statement of institutional/agency responsibility for compliance with Title IX requirements for nondiscrimination in education programs and employment? Yes☐ No☐
  - –a statement that any inquiries regarding Title IX and its application may be referred to the employee designated with responsibility for coordinating compliance or to the Director of the Office for Civil Rights, HEW? Yes☐ No☐
- Have general guidelines been routinely and systematically disseminated to inform staff of the implications of the nondiscrimination policy and its relationship to their job responsibilities? Yes☐ No☐
- Has a procedure for continuing notification of policy been implemented to ensure notification of:
  - –students? Yes☐ No☐
  - –parents of elementary and secondary students? Yes☐ No☐
  - –applicants for admission? Yes☐ No☐
  - –admissions recruitment representatives? Yes☐ No☐
  - –employees? Yes☐ No☐
  - –applicants for employment? Yes☐ No☐
  - –sources of referral for employment? Yes☐ No☐
  - –employment recruitment representatives? Yes☐ No☐
  - –unions or professional organizations holding collective bargaining or professional agreements with the institution or agency? Yes☐ No☐
- Has notification of the policy been published in:
  - –local newspapers? Yes☐ No☐
  - –newspapers or magazines produced by the institution or agency, by students or by alumni groups? Yes☐ No☐
  - –memoranda or other written communication distributed to every student and employee? Yes☐ No☐
- Has a procedure been developed to ensure ongoing publication of the policy of nondiscrimination on the basis of sex in:
  - –course announcements? Yes☐ No☐
  - –bulletins? Yes☐ No☐
  - –catalogs? Yes☐ No☐
  - –application forms? Yes☐ No☐
  - –student recruiting materials? Yes☐ No☐
  - –employee recruiting materials? Yes☐ No☐
- Has a responsibility for publications review been assigned to ensure that institutional or agency publications do not suggest, by text or illustration, differential treatment of applicants, students, or employees on the basis of sex except when permitted by the regulation? Yes☐ No☐

Source:
McCune, Shirley & Matthews, Martha, Implementing Title IX and Attaining Sex Equity: A Workshop Package for Elementary-Secondary Educators. Department of Health, Education and Welfare, Washington D.C.: N.D.

-- SAMPLE --

GRIEVANCE PROCEDURES FOR FILING, PROCESSING, AND RESOLVING ALLEGED DISCRIMINATION COMPLAINTS (STUDENTS AND EMPLOYEES)

I. Definitions

A. Discrimination Complaint: A written complaint alleging any policy, procedure, or practice which discriminates on the basis of race, color, national origin, sex, or handicapping condition.

B. Student Grievant: A student of the (school district) who submits a complaint alleging discrimination based on race, color, national origin, sex, or handicapping condition.

C. Employee Grievant: An employee of the (school district) who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, handicapping condition, or veteran status.

D. Title IX and 504 Coordinator: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and other state and federal laws addressing equal educational opportunity. The Title IX/504 coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.

E. Respondent: The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

F. Day: Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.

II. Pre-Filing Procedures

A. Prior to the filing of a written complaint, the student or employee is encouraged to visit with (name of coordinator), and a reasonable effort should be made to resolve the problem or complaint.

III. Filing and Processing Discrimination Complaints

A. Grievant	Submits written complaint to Title IX/504 coordinator stating name, nature, and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 30 days of alleged violation. Complaint forms are available in (school office or other designated area).
B. Title IX/504 Coordinator	Notifies respondent within 10 days and asks respondent to: 1. Confirm or deny facts; 2. Indicate acceptance or rejection of student or employee's requested action; or 3. Outline alternatives.
C. Respondent	Submits answer within 10 days to Title IX/ 504 coordinator.
D. Title IX/504 Coordinator	Within 10 days after receiving respondent's answer, refers the written complaint and respondent's answer to the (principal or other designee). The Title IX/504 coordinator also schedules a hearing with the grievant, the respondent, and the (principal or other designee).
E. Principal, Grievant, Respondent, and Title IX/ 504 Coordinator	Hearing is conducted.
F. Principal	Within 10 days after the hearing, issues a written decision to the student or employee, respondent and Title IX/504 coordinator.
G. Grievant or Respondent	If the grievant or respondent is not satisfied with the principal's decision, he/she must notify the Title IX/504 Coordinator within 10 days and request a hearing with the superintendent.

H. Title IX/504 Coordinator	Within 10 days of request, schedules a hearing with the grievant, respondent, and superintendent.
I. Superintendent, Grievant, Respondent, and Title IX/504 Coordinator	Hearing is conducted.
J. Superintendent	Issues a decision within 10 days following the hearing.
K. Grievant	If the grievant or respondent is not satisfied with the superintendent's decision, he/she must notify the Title IX/504 coordinator within 10 days and request a hearing with the governing board.
L. Title IX/504 Coordinator	Notifies governing board within 10 days receiving request. Title IX/504 Coordinator schedules hearing with the governing board. Hearing is to be conducted within 30 days from the date of notification to the governing board.
M. Governing Board or Hearing Panel established by the Board, Grievant, and Title IX/504 Coordinator.	Hearing is conducted.
N. Governing Board	Issues a final written decision within 10 days after the hearing regarding the validity of the grievance and any action to be taken.

IV. General Provisions

A. Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date that the complaint is filed until the complaint is resolved shall be no more than 80.

B. Access to Regulations: The (school district) shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, handicapping condition, or veteran status upon request.

C. Confidentiality of Records: Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel file. Complaint records shall be maintained on file for three years after complaint resolution.

SELF-EVALUATION CHECKLIST

A. Procedural Requirements	Yes	No
1. Has your district/school/center filed the appropriate* assurance forms with the Office for Civil Rights of the Department of Education that its programs and activities are operated in compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973?	___	___
* Title VI, Form #441 - Title IX, Form #639 - Section 504 Form #641		
2. Prior to the beginning of each school year, does your district/school/center advise students, parents, employees, and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex, or handicap?	___	___
a) Is this notice available to persons with limited English language skills in the community's own language?	___	___
b) Is this notice available to persons who are visually or hearing impaired?	___	___
3. Does your district/school/center comply with the following notice requirements?		
a) Title VI - Notice must be given to participants, beneficiaries, and other interested persons of the recipient's policy of nondiscrimination on the basis of race, color, or national origin and the provisions of Title VI as they apply to the recipient's program in the manner prescribed by DOE.	___	___
b) Title IX - Notice must be given to applicants for admission and employment, elementary and secondary school students and their parents, employees, sources of referrals for applicants, and union and professional organizations holding collective bargaining or professional agreements with the recipient. The notice must contain a statement of the recipient's policy of nondiscrimination on the basis of sex, the provisions off Title IX as they apply to the recipient's program, and the name of the Title IX coordinator. The notice of the policy of nondiscrimination must appear in bulletins, catalogs, application forms and other recruitment materials for both students and employees.	___	___
c) Section 504 - Recipients who employ 15 or more persons must give notice to participants, beneficiaries, applicants, employees, unions or professional organizations holding collective bargaining or professional agreements with the recipient. The notice must contain a statement of the recipient's policy of nondiscrimination on the basis of handicap. The notice of nondiscrimination must appear in recruitment materials, publications, and other information made available to the categories of persons who must receive notice.	___	___
Recipients who operate elementary and secondary education programs must annually (1) undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiv-		

	Yes	No

ing a public education, and (2) take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under (1).

4. Coordinators

   a) Title IX - Has your district/school/center designated an employee(s) to coordinate the recipient's compliance activities and to investigate complaints alleging noncompliance with the provisions of Title IX? ___ ___

   b) Section 504 - If your district/school/center employs more than 15 persons, have you designated at least one person to coordinate its Section 504 activities? ___ ___

5. Grievance Procedures

   a) Title IX - Has your district/school/center adopted a grievance procedure for the prompt and equitable resolution of complaints of discrimination by students and employees (where the object of federal financial assistance is specifically for employment, or where employment practices affect beneficiaries)? ___ ___

   b) Section 504 - If your district/school/center employs 15 or more persons have you adopted a due process grievance procedure for the resolution of complaints by students and employees? ___ ___

6. Self-Evaluation

   a) Title IX - Has your district/school/center conducted a self-evaluation of your policies and practices to determine whether they discriminate on the basis of sex? ___ ___

   b) Section 504 - If your district/school/center employs 15 or more persons, have you conducted a self-evaluation of your policies and practices in consultation with handicapped persons or organizations representing handicapped persons to determine whether they discriminate on the basis of handicap? ___ ___

7. Transition Plan

   a) Section 504 - If your district/school/center employs 15 or more persons and if structural changes are necessary to assure that handicapped students have access to all your program offerings, then have you developed a transition plan in consultation with handicapped persons or organizations representing handicapped persons which:

      1) identifies the physical obstacles;
      2) describes how the facilities will be made accessible;
      3) specifies the schedule for the changes; and
      4) indicates a person responsible for the implementation of the plan. ___ ___

	Yes	No
B. Access and Admission to Vocational Education Programs		
1. Are vocational education facilities segregated or established for students of one race, color, or national origin, or of any handicapping condition?	___	___
2. Does the site location of vocational education facilities result in the denial of access to persons on the basis of race, color, national origin, or handicap?	___	___
3. Have geographic boundaries been established, approved or maintained which unlawfully exclude students on the basis of race, color, national origin, sex, or handicap?	___	___
4. Has the physical plant been added to, modified, or renovated in a manner that maintains or increases students' segregation on the basis of race, color, national origin, sex, or handicap?	___	___
5. Are handicapped students denied access to vocational education programs because of architectural barriers?	___	___
6. Are admission policies and practices nondiscriminatory?	___	___
7. Are pre-admission inquiries made regarding handicap or marital status?	___	___
8. Are numerical limits placed on the number of persons admitted based on race, color, national origin, sex, or handicap?	___	___
9. Do the criteria for courses and program admission have a disproportionate adverse effect on persons of a particular race, color, national origin, sex, or handicap?	___	___
10. Are students with limited English language skills excluded from any program offerings?	___	___
11. Are there any architectural or equipment barriers that would deny access to vocational education programs to handicapped students?	___	___
12. Are students denied access to vocational education courses on the grounds that because of their race, color, national origin, sex, or handicap, employment opportunities may be more limited for them?	___	___
13. Do the recruitment materials reflect the school/district/center's policy of nondiscrimination on the basis of race, color, national origin, sex, or handicap?	___	___
14. Are recruitment materials available to persons with limited English speaking skills in their own language?	___	___

C. Counseling	Yes	No
1. Are counseling materials and activities free from discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
2. Are student program selections, career and employment selections, and promotion and recruitment efforts free from discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
3. Are counseling practices free from luring students to enroll in programs based on their race, color, national origin, sex, or handicap?	___	___
4. Are different testing or other materials for appraising or counseling students used on the basis of a student's race, color, national origin, sex or handicap?	___	___
5. Are counselors communicating effectively with students of limited English-speaking proficiency and with students who are hearing impaired?	___	___
6. Are promotional materials available to communities with limited English language skills, in the language of that community?	___	___
7. Are promotional materials available to the visually impaired?	___	___
D. Equal Opportunity		
1. Is student financial assistance awarded free from discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
2. Are financial assistance materials free from discriminatory language or symbols?	___	___
3. Are financial assistance materials available in their own language to persons with limited English language skills?	___	___
4. Are financial assistance materials available to applicants with visual impairments?	___	___
5. Are housing opportunities available without discrimination on the basis of race, color, national origin, sex, or handicap?	___	___
6. Are auxiliary aids provided to handicapped students to enable them to participate equally in the vocational program?	___	___
7. Are secondary level handicapped students placed in regular education environments to the maximum extent appropriate to the needs of the student?	___	___
8. Are proper evaluation and due process procedures followed before a handicapped student is provided special education or related services?	___	___
9. Are facilities for students of one sex comparable to those offered to students of the other sex?	___	___

	Yes	No
E. Work Study, Cooperative Education, Job Placement and Apprenticeship		
1. Are work study, cooperative education, job placement, and apprenticeship training opportunities available to all students without regard to race, color, national origin, sex, or handicap?	___	___
2. Does your district /school/center honor employers' requests for students who are free of handicaps, or for students of a particular race, color, national origin, or sex?	___	___
3. Does your district/school/center have written assurances from labor unions, businesses and industrial plants, and other employers to whom it refers or assigns students that they do not discriminate on the basis of race, color, national origin, sex, or handicap?	___	___
4. Does your district/school/center refer or assign students with employers or unions who discriminate on the basis of race, color, national origin, sex, or handicap?	___	___
F. Employment		
1. Are all of your district/school/center's employment practices free from discrimination against employees or applicants for employment on the basis of sex or handicap?	___	___
2. Does your district/school/center engage in any employment practice that discriminates on the basis of race, color, or national origin, where such discrimination tends to result in segregation, exclusion, or other discrimination against students?	___	___
3. Are all recruitment sources notified of thedistrict/school/center's policy of nondiscrimination in employment on the basis of race, color, national origin, sex, or handicap?	___	___
4. Are all persons treated equally with respect to:		
a) processing applications for employment;	___	___
b) hiring, upgrading, promotion, tenure, demotion, transfer, lay-off, termination, right of returning from lay-off, and rehiring;	___	___
c) rates of pay or any other form of compensation;	___	___
d) job assignments, job classifications, organizational structures, position description, lines of progression, and seniority lists;	___	___
e) leave of absence, sick leave, or any other leave;	___	___
f) fringe benefits;	___	___
g) selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leave of absence to pursue training;	___	___
h) employer-sponsored activities.	___	___

	Yes	No
5. Are reasonable accommodations made to the known physical or mental limitations of an otherwise qualified applicant or employee except where it imposes an undue hardship?	___	___
6. Do employment tests or other selection criteria disproportionately exclude a particular class of persons on the basis of race, color, national origin, sex, or handicap?	___	___
7. Are pre-employment inquiries made concerning the marital status or handicapping condition of an applicant?	___	___
8. Does your district/school/center participate in contractual or other relationships that have the effect of subjecting applicants or employees to discrimination (such as referral agencies)?	___	___

TECHNICAL ASSISTANCE KEY TO CHECKLIST

A. Procedural Requirements

	Yes	No
1.	X	
2. a.	X	
b.	X	
3. a.	X	
b.	X	
c.	X	
4. a.	X	
b.	X	
5. a.	X	
b.	X	
6. a.	X	
b.	X	
7. a.	X	

B. Access and Admission to Vocational Education Programs

	Yes	No
1.		X
2.		X
3.		X
4.		X
5.		X
6.	X	
7.		X
8.		X
9.		X
10.		X
11.		X
12.		X
13.		X
14.	X	

C. Counseling

	Yes	No
1.	X	
2.	X	
3.	X	
4.		X
5.	X	
6.	X	
7.	X	

D. Equal Opportunity

	Yes	No
1.	X	
2.	X	
3.	X	
4.	X	
5.	X	
6.	X	
7.	X	
8.	X	
9.	X	

E. Work Study, Cooperative Education, Job Placement, and Apprenticeship

	Yes	No
1.	X	
2.		X
3.	X	
4.		X

F. Employment

	Yes	No
1.	X	
2.		X
3.		X
4. a.	X	
b.	X	
c.	X	
d.	X	
e.	X	
f.	X	
g.	X	
h.	X	
5.		X
6.		X
7.		X
8.		X

If your answers differ from those on the key then you should contact the technical assistance unit that can provide the type of assistance that will help you identify whether you have a possible civil rights problem, and how to resolve the issue(s).

Technical Assistance Module: SD
Handout 7

CASE STUDIES

Case 1

Ms. Wong, an Asian American counselor in one of the district's secondary schools, has been employed by the district for the past eight years. As a classroom teacher she compiled an outstanding performance record. She completed a master's degree in the field of counseling, and consistently has received outstanding ratings on her job performance as a counselor. Recently, she has completed a second master's degree, this one in school administration, and has obtained the state credential for an administrative position.

This year Ms. Wong applied for the position of assistant principal at East High School. A Black male guidance counselor and an Anglo male physical education teacher also applied for the position. Neither of the men had been employed by the district for more than three years, and neither had completed the requirements for the administrative credential. The physical education teacher was selected for the job. When Ms. Wong asked for an explanation of the reason for this selection, the personnel office refused to provide either a written or an oral explanation.

Case 2

Vocational education courses offered in the district's nonvocational high schools provide training and work experience in accounting, typing, shorthand, typesetting, mechanical drawing, and clerical sales, which enables students to move into business and industrial positions upon graduation from high school. A workstudy program is included, and many students work part of the school day in positions similar to those which they plan to enter following high school.

Although both girls and boys are participating in all of the classes, the district maintains separate referral lists for boys and girls because some of the participating employees have stated that they will not accept either boys or girls for particular types of jobs. The same separate lists are maintained for postgraduate referral purposes, and the district refers boys and girls according to employers' preferences.

Case 3

Ms. Martin, an experienced social studies teacher with an outstanding performance record, recently has moved to District 41. She is interested in obtaining a position teaching social studies at the junior high school or senior high school level. She obtained an interview with a member of the district personnel office and explained her interest in securing a position in the area of social studies. The interviewer reviewed her record and recommendations and commented on them favorably. He indicated, however, that he was sorry that it would not be possible to offer her a social studies position, since this opening required a teacher who also could serve as coach for boys' basketball.

Case 4

Juanita is a junior at West High School. She is an excellent swimmer and would like to swim competitively. She spoke to the coach of the varsity swim team concerning her interest, and mentioned that her most recent time in the 300-meter medley was better than the times of three team members in the meet the week before. The coach said that although her time sounded good, district policy would not permit her to try out for the team because it limited team membership to boys. West High School has volleyball and softball teams for girls and football, basketball, hockey, swimming, tennis, and baseball teams for boys.

Case 5

Seventh-grade students in School District 41 complete several inventories to determine the general direction of their vocational interests. Each student is given a report of results indicating how his/her scores compare with those of other students of the same sex who have completed the test. The report provided to female students is based upon a listing of such traditionally female occupations as secretary, clerk, teacher, nurse, and dental technician, while the report given to male students rates their interest in such traditionally male occupations as auto mechanics, law, medicine, and engineering.

1. How does your institution address each of these cases through its policies?

2. As the Title IX coordinator, how would you proceed in resolving each case?

Source:

McCune, Shirley, & Matthews, Martha. Implementing Title IX and Attaining Sex Equity: A Workshop Package for Elementary-Secondary Educators. Washington, D.C.: U.S. Department of Health, Education and Welfare, n.d.

NONDISCRIMINATION IN EMPLOYMENT UNDER TITLE IX

Title IX of the Education Amendments of 1972 protects people from discrimination on the basis of sex in admission, treatment, and in educational programs or activities receiving federal financial assistance.

The prohibition of discrimination in employment in the Title IX regulations encompasses, but is not limited to, recruitment, advertising, hiring, upgrading, tenure, firing, rates of pay, fringe benefits, leave for pregnancy and childbirth, and participation in employer-sponsored activities. The regulation applies to all employment decisions by recipients of federal funding, whether made directly or indirectly through contractual arrangements with referral agencies, labor unions, organizations providing or administering fringe benefits, or others.

Selected requirements of the regulation are summarized below.

Compensation
Under Title IX, recipients of federal financial assistance cannot establish or enforce policies that result in unequal compensation to employees on the basis of sex in jobs that require equal skill, effort, and responsibility, and that are performed under similar conditions.

Employment Tests
An employment test that screens out people on the basis of sex may not be used unless the test is shown to validly predict successful performance in the position in question, and alternative tests are shown to be unavailable.

Pre-employment Inquiries
The regulation makes a distinction between inquiries about marital status and inquiries about gender. Marital status inquiries are prohibited. Inquiries about gender are permissible when they are made equally for both sexes and are not used for discriminatory purposes. For example, it is permissible to ask the sex of applicants to develop "applicant flow data" in order to monitor equal employment opportunity.

Marital or Parental Status
Recipients of federal funds, under Title IX, may not establish or enforce policies concerning the current or potential marital or parental status of employees or applicants. Also, recipients may not differentiate on the basis of sex in issues involving whether a person is the head of a household or the principal wage earner in a family.

Title IX requires recipients to treat pregnancy and related conditions, including termination of pregnancy, in the same manner and under the same policy as other temporary disabilities. This includes the granting of leave, payment of disability income, accrual of seniority, and provision of other benefits and services. For example, a pregnant woman must be given the same benefits and rights provided a man who temporarily leaves work because of a broken arm. However, if a temporary disability plan does not cover elective procedures, then an institution need not cover, for example, elective abortion.

Sex as a Bona-fide Occupational Qualification
Recipients may engage in action otherwise prohibited by Title IX if sex is shown to be a bona-fide occupational qualification for a job. For example, recipients may consider an applicant's sex when hiring for a position in a locker room or toilet facility used only by one sex.

Religious Exemption
Under the Title IX regulations, an institution that is controlled by a religious organization is exempt from those sections of the regulations that are inconsistent with the religious tenets of the organization. Institutions may, under the religious exemption provision, fill certain employment positions on the basis of sex, if this practice is consistent with the tenets of the institution's controlling religious organization. For example, some institutions, recognized by OCR as exempt from certain employment sections of the Title IX regulations, have hired male religious leaders to teach classes training future religious leaders.

Source:

U.S. Department of Education, Office for Civil Rights. Nondiscrimination in Employment Practices in Education. Washington, D.C.: June 1987.

Race Desegregation - Gender Equity - National Origin Desegregation

TECHNICAL ASSISTANCE AND TRAINING MODULES

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TECHNICAL ASSISTANCE MODULES

Federal Satutes and Directives Regarding National Origin Students will familiarize participants with the legal aspects of providing services to limited English proficient (LEP) students. pp 11

Federal Statutes and Directives Regarding Title IX Compliance will familiarize participants with the legal aspects of sex discrimination under Title IX compliance. pp 48

Civil Rights Compliance: An Update will familiarize participants with the legal intent, the procedural requirements, and the employment practice requirements contained in Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. pp 65

TRAINING MODULES

I ***First and Second Language Acquisition Processes*** will familiarize participants with the processes a non-English-speaking student goes through as he/she acquires English as a second language. pp 43

II ***Integrating the ESL Student into the Content Area Classroom*** will familiarize participants with classroom management theory and strategies that integrate the ESL student successfully into the content area classroom. pp 46

III ***Recognizing Cultural Differences in the Classroom*** will familiarize participants with cultural elements that some national origin minority populations may bring to the school environment. pp. 45

IV ***Sex Stereotyping and Bias: Their Origin and Effects*** will assist participants in identifying sources and effects of sex stereotyping and bias, in the classroom setting and in society as a whole. pp 52

V ***Modeling Equitable Behavior in the Classroom*** will assist participants in identifying and practicing classroom behaviors and language patterns that are free of gender stereotyping and bias. pp 53

VI ***Avoiding Sex Bias in Counseling*** will allow counselors the opportunity to review concepts and strategies that can be used to provide students with sex-fair guidance. pp 61

VII ***Equity in Counseling and Advising Students: Keeping Options Open*** will provide participants with cross-cultural counseling practices that can be used when working with culturally diverse populations. pp 45

VIII ***Interpersonal Communications: A Human Relations Practicum*** will provide participants with information on the skills which establish foundations for effective interpersonal communication. pp. 65

IX ***It's A Matter of Race: Race Relations in the Desegregated Setting*** will familiarize the participants with key issues regarding interpersonal race relationships in the desegregated setting, and offers suggestions on how to handle these relationships effectively. pp. 69

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V Modeling Equitable Behavior in the Classroom
VI Avoiding Sex Bias in Counseling
VII Equity in Counseling and Advising Students: Keeping Options Open
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